



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,860	04/12/2004	Federico Cabrele	713-1121	1818

7590 11/19/2007
LOWE HAUPTMAN GILMAN & BERNER, LLP
1700 Diagonal Road, Suite 310
ALEXANDRIA, VA 22314

EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
----------	--------------

3677

MAIL DATE	DELIVERY MODE
-----------	---------------

11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10821860	4/12/2004	CABRELE, FEDERICO	713-1121

LOWE HAUPTMAN GILMAN & BERNER, LLP
1700 Diagonal Road, Suite 310
ALEXANDRIA, VA 22314

EXAMINER

Katherine W. Mitchell

ART UNIT	PAPER
----------	-------

3677

20071116

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

Katherine W Mitchell
Primary Examiner
Art Unit: 3677

Art Unit: 3677

37 CFR 1.111. Reply by applicant or patent owner to a non-final Office action.

(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. **A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.**

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections. In all cases where reply to a requirement is indicated as necessary *>for< further consideration of the claims, or where allowable subject matter has been indicated in an application, a complete reply must either comply with the formal requirements or specifically traverse each one not complied with.

Drawing and specification corrections, presentation of a new oath and the like are generally considered as formal matters>, although the filing of drawing corrections in reply to an objection to the drawings cannot normally be held in abeyance<. However, the line between formal matter and those touching the merits is not sharp, and the determination of the merits of an application may require that such corrections, new oath, etc., be insisted upon prior to any indication of allowable subject matter.

The claims may be amended by canceling particular claims, by presenting new claims, or by rewriting particular claims as indicated in 37 CFR 1.121(c). The requirements of 37 CFR 1.111(b) must be complied with by pointing out the specific distinctions believed to render the claims patentable over the references in presenting arguments in support of new claims and amendments.

1. Note applicant's arguments with respect to the rejection of claims 14 and 15 under 35 USC § 102(b) as being anticipated by either of Kubogochi et al. of Fischer, which was respectfully traversed

"In this response claim 14 has been amended to call for an angularly-shaped longitudinal rib to be each of the main longitudinal anchoring tongues and on each of

Art Unit: 3677

the secondary longitudinal anchoring tongues. Support for this amendment is found in at least Fig. 3 - see elements 12. At best Tiemann was relied upon to show a flat rib (see top right hand corner of page 5 of this Office Action) and then on only two tongues. It is submitted that neither Kubogochi et al. of Fischer disclose or suggest such a structure."

Examiner does not understand this argument – why is Tiemann referenced in the argument – the rejection was 102 (b) as being anticipated by either of Kubogochi et al. or Fischer.

Examiner is assuming a cut-and-paste error or similar situation, and thus is considering the error to be inadvertent.

2. Since the reply filed on 10/21/2007 appears to be *bona fide*, applicant is given a **TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell
Primary Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to read 'K Mitchell', written in a cursive style.

11/16/2007